

### **REMARKS**

In the present application, claims 1-20 are pending. Of these claims, claims 15-20 have been withdrawn from consideration. The Examiner has rejected claims 1-6 on the basis of 35 U.S.C. §102(e). After inspection of the relevant dates, the Applicant believes that such a rejection would properly be on the basis of 35 U.S.C. §102(b), if valid. However the Applicant respectfully traverses this rejection on the grounds described, below. The Examiner has rejected claims 7 through 9 under 35 U.S.C. §103. The Applicant has amended claims 7 through 9 so that they depend upon a base claim that is believed to be in condition for immediate allowance, obviating the grounds for rejection under 35 U.S.C. §103, as described below. The Examiner has objected to claims 10-14 as being dependent upon a rejected base claim 9. As discussed below, the amended claim 9 is believed to be in condition for immediate allowance, rendering the grounds for the objection to claims 10-14 moot.

#### **Rejection under 35 U.S.C. §102**

Claims 1-6 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by Kennedy *et al.* However Kennedy *et al.* does not teach or suggest the “secondary capillary seal defined by an inner surface of the seal ring and an outer surface of the stationary member” as recited in claim 6 (see, for example 366 in Figure 3B, 390 in Figure 3C, and paragraph 39 in the present application). This secondary capillary seal reduces the loss of lubricant fluid from the gap between the shaft and sleeve. Also, because the secondary capillary seal is in fluid communication with the dynamic radial capillary seal, the secondary capillary seal can be re-supplied with lubricant fluid from the first capillary seal. Consequently, the Applicant has amended claim 1 to include the limitations of claims 3 and 6, and added the limitation that the secondary seal is in fluid communication with the dynamic radial capillary seal in order to more particularly point out the functional interaction. Correspondingly, the Applicant hereby cancels claims 2 through 6.

#### **Rejection under 35 U.S.C. §103**

Claims 7-9 were rejected under 35 U.S.C. §103 as allegedly unpatentable over Kennedy. As claims 7-9 were dependent on claim 6 which is now cancelled, claims 7-9 have been amended so

that they are now dependent on the amended claim 1. Because the amended claim 1 is believed to be in condition for allowance, claims 7-9 are likewise believed to be in condition for allowance.

Objections to claims

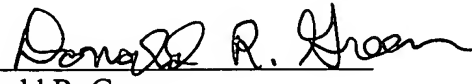
The Examiner has objected to claims 10 through 14 as being dependent upon the rejected base claim 9, but stated that they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim. Because claim 9 has been amended to depend upon the amended claim 1, and because amended claims 1 and 9 are believed to be in condition for immediate allowance, claims 10 through 14 are likewise believed to be in condition for immediate allowance.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding objections to the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 146712014900. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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